

10.
A N A C T

For the better Suppressing of

T H E F T

Upon the Borders of

England and Scotland,

AND

For Discovery of HIGH-WAY MEN, and
other FELONS.

At the Parliament begun at *Westminster*, the 17th
day of *September*, *An. Dom.* 1656.



EDINBURGH,

Re-printed by *Christopher Higgins*, in Harts Close,
over against the Trone Church, 1657.

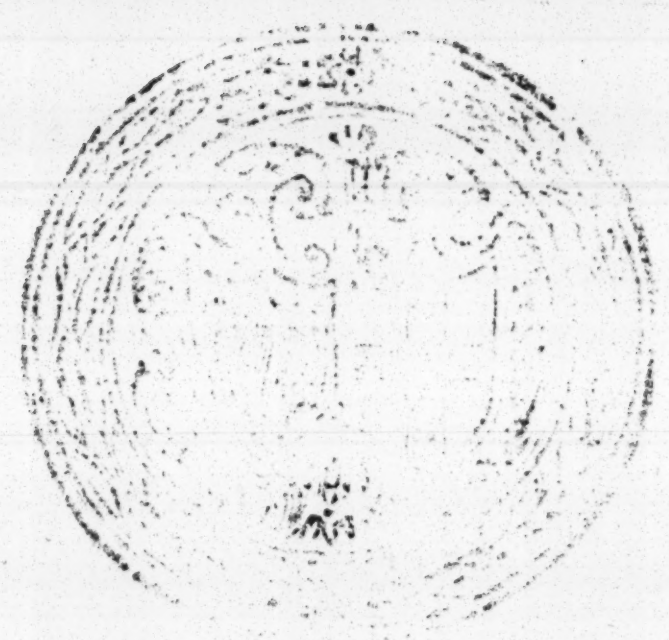
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A N A C T

For the better Suppressing of

T H E F T

Upon the Borders of

England and Scotland,

A N D

For Discovery of High-way Men, and
other Felons.



Whereas the Inhabitants of both Nations that live near to the Mountains, and in Dales and Harth and other obscure places upon the Borders, having been long accustomed to Idleness and Theft, whilst the two Nations were under several Governments, and cannot be brought off from their old evil and accustomed manner of Living, by reason of the situation of their habitations and dwellings near to the great Bogs and Mountains, and Large waste Grounds between England and Scotland, having thereby such opportunity, not only at home to hide themselves and their Prey or Booties of stolen Goods, but also of Conveyance over the said Bogs, Mountains and Large wastes out of the Nation where they commit these Felonies, into the other Nation, where their Persons and stolen Goods are often-times

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sheltered and received by persons of their own
 bad Quality and Confederacy, these Border-
 ing People of both Nations thus serving each
 other by turns, so as it is very hard to bring
 these People to be responsible to Justice, or to
 get them apprehended upon Justices War-
 rants to be brought to Tryal and Judgment,
 whereby they remain much encouraged and
 emboldened to continue in that their base and
 loose course of Living by Theft, to the great
 Infesting and Dammage of the Bordering
 Counties of both Nations; For Remedy
 whereof, Be it Enacted by his Highnesse the
 Lord Protector and this present Parliament,
 and it is hereby Enacted and Ordained, That
 as to all the Bordering Counties and parts of
 England and Scotland, (viz.) The Counties of
 Northumberland, Cumberland, and Westmerland,
 or any parts or members of them, any or either
 of them, and the parts and places lying on
 the North side of the River of Tyne, commonly
 called and known by the names of Bedlington-
 shire, Norhamshire, and Islandshire, the Town and
 County of Newcastle upon Tyne, the Town of
 Berwick upon Tweed, and the Bounds thereof
 upon the English side; The Counties or She-
 riffdoms of Berwick, Roxbrough, Selkirk, Pebles,
 Wigton and Dumfrieze, upon the Scottish side;
 That it shall and may be lawful to and for the
 respective Justices of Peace within any of the
 said respective Counties, Shires and Sheriffs-
 doms, who also are hereby required, that once
 a Year at least, any two or more of them,
 (whereof one to be of the Quorum) do, and shall
 hold a private Sessions for the ends and pur-
 poses hereafter specified and declared, within
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all and every respective Hundred, Ward or Liberty within the respective Counties, Shires and Sherifffdoms aforesaid, Whereof they shall give at least Fourteen dayes warning to the Inhabitants of the time and place of their Sitting, by notice to every Parish within the respective Ward, Hundred or Division, and also Proclamation in the next Market-Town in open and full Market time, where at the place so appointed by them, they shall have power to call before them the Constables and Church-Wardens, or other Parochial Officer or Officers, to give in upon Oath a perfect List of the Names of all such persons within the severall and respective Parishes of the said Counties, Shires or Sherifffdoms, as live idely, and can give no good accompt how they maintain themselves, or that are of bad fame, and not having any visible Estate, real or personal, to the value of One hundred Pounds Sterling Money, which may render him or them responsible; all which persons the said Church-Wardens and Constables, or other Officer and Officers aforesaid, shall also upon Warrant from any of the said Justices, summon to appear before them the said Justices at the time and place by them appointed, and to bring with them, and every of them, two sufficient Sureties, each to be bound to his Highnesse the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and his Successors, in a Recognizance, not exceeding the sum of Fifty pounds for each Surety, nor the sum of One hundred pounds for the principal Person thus to be secured, nor under Ten pounds for each Surety, nor under Twenty pounds

for the person to be secured that he shall be of good behaviour, and upon any occasion so requiring, he will and shall from time to time make his personal Appearance within Fourteen days after the delivery of the Warrant of any Justice of Peace for that County, either to himself, or to either of his Sureties, requiring him or them to answer to any Treasons, Murders, Robberies, Felonies or other Misdemeanors whatsoever; All which Recognizances the said Justices of Peace in their respective Counties, Shires and Sherifffdoms, are hereby authorized to take the Acknowledgement of, and in case of Forfeiture, return the same into the Publick Exchequer at Westminster or Edinburgh respectively; And in case any such person or persons cannot, or shall not finde such Security, That then the said Justices are hereby authorized and required to commit him or them to the Common-Goal for the said County, Shire, or Sherifffdom, there to remain without Bail until the next Quarter-Sessions for the Peace, Where they the Justices of Peace for the said respective Counties, Shires or Sherifffdoms, are hereby authorized and required, and impowered by Order of Court, to continue him or them in Prison, or commit him or them to the House of Correction, until such time as he or they shall procure such Security as beforesaid, or otherwise to transport him or them to some of the Plantations in America, belonging to this Commonwealth, not to return for seven years without Licence from his Highnesse the Lord Protector or his Successors, under the penalty of Felony: And in case any such person or persons

sons make default to appear at the time and place appointed, having lawful Warning given as beforesaid, and the same testified upon Oath, That then the said Justices of Peace shall, and are hereby authorized, required and impowered to proceed against him or them as beforesaid, whensoever he or they shall be found and apprehended.

And be it hereby further Enacted, That the said Justices of the Peace shall at the next Sessions for the Peace (after the taking of such Recognizance) deliver all and every of them to the Clerk of the Peace for the said County, Shire or Sherifffdom, who is hereby required to file up the same upon a File, and the same safely keep; And that the said Justices Clerk shall not take above Three shillings for any such Recognizance for any one person, Whereof the one Moiety for themselves, the other Moiety for the Clerk of the Peace for filing and keeping the same; And that the respective Clerks of the Peace shall not take above Six pence for the Search and a Note of any persons Name, and the Names of his Sureties, of any that shall require the same; nor that any such person or persons (to be bound by Recognizance as beforesaid) shall be put to the trouble or charge of Renewing his or their Recognizance or Recognizances, but the same to continue of force during their Lives, except in case of Death of any Surety or Sureties, or their declaring their unwillingness to stand longer bound, except the Justices of Peace for the respective Counties in open Sessions of the Peace, or Commissioners of Oyer and Terminer at their General Goal-

Delibery, the Judges of Assize, or Judges in Criminal Causes in their respective Circuits, or some of them, shall finde just cause to release such Recognizance or Recognizances; For which end all and every of the said Recognizances shall be called once every year or oftner (if occasion shall require) at the respective private Sessions for every County, Hundred, Ward, and Liberty or Division, within any of the said respective Counties, Shires and Sherifdoms, and the persons bound to make their personal appearance, the Clerk or Cryer not taking above Four pence for calling any one Bond.

And be it hereby further Enacted by the Authority aforesaid, That if at any time or times hereafter, any person or persons shall commit any offence or offences within the Nation of Scotland, which by the Laws of the Nation of England is, are, or shall be declared or adjudged to be Petty-Treason, Murder, Man-slaughter, Felonious burning of Houses and Corn, Burglary, Robbing of Houses by day, Robbery, Theft, or Rape, and do, and shall flee or escape into the Nation of England, and be, or shall be apprehended within any of the said Counties of Northumberland, Cumberland, Westmerland, or any parts or members of the same, or within the parts or places lying on the North side of the River of Tyne, commonly called or known by the names of Bedlington-shire, Norham-shire, and Island-shire, the Town and County of Newcastle upon Tyne, and the Town of Berwick upon Tweed, with the Bounds and Limits thereof, That then it shall and may be lawful for the Justices of Assize,

Assize, or any one of them in absence of the other, the Justices of Goal-Delivery at their Goal-Delivery, or any four of them, or the Justices of Peace in their General or Quarter-Sessions, or any four of them, upon due and mature Examination of the said Offence and Offences in open Sessions, and pregnant Proofs of the same, by Warrant under their Hands and Seals, to remand and send all and every such Offender and Offenders into the Nation of Scotland, there to receive their Tryal for any the Offences aforesaid by them there committed.

And it is hereby further Enacted, That if at any time or times hereafter any person or persons shall commit any Offence or Offences within the Nation of England, which by the Laws of the Nation of Scotland is, or shall be declared or adjudged to be Petty-Treason, Murder, Man-slaughter, Felonious burning of Houses and Corn, Burglary, Robbing of Houses by day, Robbery, Theft, or Rape, and do or shall flee or escape into the Nation of Scotland, and be, or shall be apprehended within any of the said Counties or Sheriffdoms of Berwick, Roxburgh, Selkirk, Pebles, Dumfreeze or Wigton, That then it shall and may be lawful for the Judges in Criminal Causes, or any one of them, the Justices of Peace for the respective Shires or Sheriffdoms, or any four of them, upon due and mature Examination of the said Offence and Offences in open Sessions, and pregnant Proofs of the same, by Warrant under their Hands and Seals, to remand and send all and every such

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Offender and Offenders into the Nation of England, there to receive their Tryal for any the Offences aforesaid by them there committed.

And for the better and more effectual Discovery and Prosecution of Thieves and Highway Men, Be it Enacted by the Authority aforesaid, That such person or persons who shall at any time from and after the Four and twentieth of July, One thousand six hundred fifty seven, discover to any Justice of Peace or any other Officer of Justice, any person that hath committed, or shall commit within England, Scotland, or Ireland, any Robbery on the Highway or Burglary, or that hath or shall feloniously break open any Dwelling-house, or feloniously enter into any such House, or there use any violence upon any person, or steal any Money or Goods, and shall apprehend or cause to be apprehended such Offender, upon Conviction of such Offender so apprehended upon such Discovery, shall have a Reward of Ten pounds for every such Offender so apprehended, and convicted; And all and every Sheriff and Sheriffs of the respective Counties or Sheriffdoms where such Conviction shall be had, be required upon the Certificate of the Judge, or under the Hands of two or more Justices of the Peace before whom such Conviction shall be had, to pay unto such person or persons who shall discover and apprehend such Offender, or upon whose Discovery such Offender shall be apprehended, the Reward aforesaid of Ten pounds for every Offender so apprehended and convicted, out of the Publick Monies

Moneys received by him in that County, and the same shall be allowed unto him upon his Accompt in the Exchequer.

And be it further Enacted and Declared, That any person or persons that shall discover any Felon or Felons, (commonly called or known by the name of Moss-Troopers, residing upon the Borders of England and Scotland, or any Tories in Ireland) who upon such Discovery shall be apprehended and convicted of any Common-Felony (Petty-Larceny onely excepted) shall, upon the said Conviction, have the like encouragement of Ten pounds ; And all Sheriffs of the respective Counties where the Fact shall be committed, and the party convicted, shall make payment thereof accordingly.

EDINBURGH,

Re-printed by *Christopher Higgins*, in *Harts Close*, over against the *Trone Church*.

Anno Dom. 1657.

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